

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3584 OF 2006

Indian Bank. ...Petitioner  
V/s.  
Basant Badriprasad Bhoruka & Ors. ...Respondents

Mr.Prakash Shinde i/b. M/s.M. Dhruva & Co. for  
Petitioner.  
Ms.Swati Sawant for Respondent No.1.  
Mr.Rajesh Shah i/b. U.S. Fadia for Respondent No.3.

CORAM : DR.S. RADHAKRISHNAN &  
V.M. KANADE, JJ.

DATED : AUGUST 17, 2006

**P.C. :-**

1. Heard learned Counsel for the petitioner and learned Counsel for the respondent no.1.

2. By this petition, the petitioner is challenging the order dated 7th April, 2006 passed by the learned Debts Recovery Appellate Tribunal at Mumbai refusing to condone 310 days delay in filing the appeal and also consequential order of the same date dismissing the appeal as the application for condonation of delay was rejected.

3. We have perused the original application for condonation of delay. The said application is totally

devoid of any details and particulars as to the reasons justifying the condonation of 310 days. We have also perused the order of the Debts Recovery Appellate Tribunal dated 7th April, 2006. The Tribunal has rightly observed that the appellant did not bother to take any steps whatsoever from 4th March, 2004 when the impugned order was passed till they applied for a certified copy on 12th January, 2005. It is an admitted position that the petitioner was very much aware of the order right from 4th March, 2004. The learned Tribunal has stated that no explanation is given as to what steps have been taken between the period from 4th March, 2004 till 12th January 2005 except a bald statement that the petitioner was waiting for an opinion and relevant documents from its Singapore Branch.

4. Hence, we do not find any error, illegality and infirmity in the said order refusing to condone the delay. The petition is totally devoid of any merits and the same stands dismissed.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)